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WASHINGTON, D.C. 20231
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Paper No. 17

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MAY 10 2002

DIRECTOR OFFICE
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In Re Application of) DECISION SUA SPONTE
Naoyasu Miyagawa, et al.) WITHDRAWING THE
Serial No.: 09/420,603) HOLDING OF ABANDONMENT
Filed: October 19, 1999)
For: OPTICAL RECORDING/REPRODUCING APPARATUS FOR OPTICAL DISKS WITH
VARIOUS DISK SUBSTRATE THICKNESS

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above identified application. A Notice of Abandonment has not been mailed.

A Notice of Change of Correspondence Address was filed on October 19, 1999 with the filing of the instant application. On November 10, 1999, a Notice to File Missing Parts of Application was mailed to the correct correspondence address to inform applicant of missing fees and declaration. Applicant filed the missing fees and declaration on January 20, 2000.

A review of the record reveals that due to Office error, the first non-final Office action mailed January 8, 2001 (paper # 11) was inadvertently mailed to an incorrect correspondence address. Subsequent to that mailing, a preliminary amendment filed August 25, 2000 was matched to the file as paper # 12 and a second supplemental preliminary amendment filed April 6, 2001 was matched to the file as paper # 13. The second supplemental preliminary amendment (paper # 13) was inadvertently entered by technical support staff as a request for reconsideration of the pending Office action.

On May 11, 2001, a new non-final rejection was mailed to the incorrect correspondence address. This Office action was returned by the U.S. Postal service as undeliverable. In the absence of a timely response, the application was held to be abandoned; but no Notice of Abandonment has been mailed.

Although no petition or request to withdraw the holding of abandonment has been filed, the holding of abandonment is withdrawn, *sua sponte*, and the application is restored to pending status in view of the Office error in mailing the Office actions to an incorrect correspondence address. Furthermore, the non-final Office actions (both paper # 11, mailed January 8, 2001 and paper # 14, mailed May 11, 2001) are hereby vacated, *sua sponte*, for the same reason. The

correspondence address has been corrected and a copy of the Corrected Filing Receipt is being provided herewith.

The application is being forwarded to the examiner for new and appropriate action. The period for response will be set to run from the date of mailing of the new forthcoming Office action.

A handwritten signature in black ink, appearing to read "Krista Zele".

Krista Zele, Special Program Examiner
Technology Center 2600
Communications